UNITED STATES PATENT AND TRADEMARK OFFICE

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09/900,891	07/10/2001	Katsuro Okamoto	Q65347	5840

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EXAMINER
COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☒ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/26/2002*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17 have been examined.

Claim Rejections - 35 USC § 112

2.   The claims are generally narrative and indefinite, failing to conform with current

U.S. practice. They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors.

3.   Claims 1, 2, 4, 7, 8, 11, 11, 12, 15, 16 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claim 1 discloses plural viewers, which is not clear in the claim what they mean.

The other claims listed above disclose data reference viewers and have the

same reason for the rejection with claim .

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 3 to 6, 8, 9, 10, 12, 13, 14, 16 and 17 are rejected under 35

U.S.C. 102(b) as being unpatentable by Sloane (U.S. Patent No. 5,619,991).

A. As per clai m 1, Sloane discloses a health care system that manages a health condition, guides the improvement and grasps the effect (Sloane; abstract), comprising:

(i)   a computer system provided with a database (Sloane; col.2, line 65 to col.3, line14);

(ii)   plural viewers for referring to the contents of the database (Sloane; col.2, line 65 to col.3, line14);

(iii)   a terminal (Sloane; col.2, line 65 to col.3, line14); and

(iv)   a channel mutually connecting the computer system, the viewers and the terminal (Sloane; col.2, line 65 to col.3, line14), wherein:

(v)   the computer system includes means for registering individual information and vital information respectively sent from the terminal in the database (Sloane; col.3,lines 48-51), means for registering a comment sent from the viewer in the database (Sloane; col.4,lines 5-9) and means for calculating database management expenses and charging the expenses (Sloane; col.4,lines 5-9);

(vi)   the viewer includes means for referring to the database and means for sending the comment related to the vital information to the computer system (Sloane; col.7,lines 20-25); and

(vii)   the terminal includes means for sending the vital information to the computer system and means for referring to the database (Sloane; col.3,lines 48-51).

B. As per clai m 3, Sloane discloses the health care system according to claim 2, wherein: the health care institution is a medical institution or a health service supplier or both the medical institution and the health service supplier (Sloane; col.2, lines 14-21).

C. As per claim 4, Sloane discloses the health care system according to claim 2, wherein:

i.   the health care database server is provided with a health related information database (Sloane; col.2, lines 21-24); and

ii.   the health care data reference viewer includes means for requesting the health care database server to register information provided to the customer as advice information out of information in the health related information database in the information provision database (Sloane; col.2, lines 21-24).

D. As per claim 5, Sloane discloses the health care system according to claim 4, wherein: the health care database server includes means for individually setting access authority to the information provision database as a database every customer (Sloane; col.6, lines 54-59).

E. As per clai m 6, Sloane discloses the health care system according to claim 5, further comprising:

      i.   a specific individual terminal connected to the Internet (Sloane;

col.2, lines 62-65 and Fig. 1), wherein:

      ii.   the health care database server includes means for giving access

authority to a database of a specific customer out of the information

provision databases to the specific individual terminal (Sloane; col.3, lines

56-60); and

      iii.   the specific individual terminal includes means for referring to the

database to which the access authority is given (Sloane; col.3, lines 54-

56).

E. As per clai m 8, Sloane discloses the health care method according to claim 7,

further comprising:

      i.   a step for requesting the health care database server to register

information provided to the customer as advice information by the health

care data reference viewer out of information in a health related

information database of the health care database server in the information

provision database via the Internet (Sloane; col.1, lines 56-62 and col. 3,

lines 54-56).

F. As per claim 9, Sloane discloses the health care method according to claim 8,

further comprising: a step that the health care database server individually sets

access authority to the information provision database as a database every

customer (Sloane; col.1, lines 56-62 and col. 3, lines 54-56).

G. As per claim 10, Sloane discloses the health care method according to claim

9, further comprising:

    i.   a step that the health care database server gives access authority

to a database of a specific customer out of the information provision

databases to a specific individual terminal (Sloane; col.3, lines 56-60); and

    ii.   a step that the specific individual terminal refers to the database to

which access authority is given (Sloane; col.6, lines 54-59).

H. As per claim 12, Sloane discloses the server computer system according to

claim 11, further comprising:

    i.   a health related information database (Sloane; col.1, lines 47-56);

and

    ii.   means for registering information provided to the customer as

advice information by the health care data reference viewer out of

information in the health related information database in the information

provision database (Sloane; col.2, line 65 to col.3, line14).

I. As per claim 13, Sloane discloses the server computer system according to

claim 12, comprising: means for individually setting access authority to the

information provision database as a database every customer (Sloane; col.6,

lines 54-59).

J. As per claim 14, Sloane discloses the server computer system according to

claim 13, further comprising: means for giving access authority to a database of a

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specific customer out of the information provision databases to a specific

individual terminal connected to the Internet (Sloane; col.3, lines 52-60).

K. As per clai m 16, Sloane discloses the machine-readable data storage

medium according to claim 15, wherein:

> i.   a program for instructing a computer system to further execute
>
> processing for registering information provided to the customer as advice
>
> information by the health care data reference viewer out of information in a
>
> health related information database in the information provision database
>
> is recorded (Sloane; col.7, lines 20-25).

E. As per clai m 17, Sloane discloses the machine-readable data storage

medium according to claim 16, wherein:

> ii.   a program for instructing a computer system to further execute
>
> processing for individually setting access authority to the information
>
> provision database as a database every customer is recorded (Sloane;
>
> col.6, lines 54-59).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 2, 7, 11, and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sloane (U.S. Patent No. 5,619,991) in view of Phillips (U.S.

Patent No. 3,597,742).

A. As per clai m 2, Sloane discloses a health care system that manages a health

condition, guides the improvement and grasps the effect (Sloane; abstract),

comprising:

    i.   a health care database server used by a provider (Sloane; col.2,

line 65 to col.3, line14);

    ii.   plural health care data reference viewers used by a health care

institution (Sloane; col.2, line 65 to col.3, line14);

    iii.   a home health care terminal used by a customer of the health care

institution (Sloane; col.2, line 65 to col.3, line14); and

    iv.   the Internet mutually connecting the health care database server,

the health care data reference viewers and the home health care terminal

(Sloane; col.2, line 65 to col.3, line14), wherein:

    v.   the health care database server is provided with a vital information

database and an information provision database (Sloane; col.3, lines 48-

60);

    vi.   the health care database server includes means for accepting an

order for database management business from the health care institution

and registering the individual data of the customer (Sloane; col.3, lines 54-

60), means for registering vital information sent from the home health care

terminal in the vital information database (Sloane; col.3, lines 50-51),

means for registering a comment sent from the health care data reference

viewer in the information provision database (Sloane; col.3, lines 54-60)

and means for calculating database management expenses and charging

the health care institution the expenses;

vii.　the health care data reference viewer includes means for referring

to the vital information database and means for sending a comment

related to the vital information of the customer in the vital information

database to the health care database server (Sloane; col.2, line 65 to

col.3, line14); and

viii.　the home health care terminal includes means for sending the vital

information of the customer to the health care database server and means

for referring to the information provision database (Sloane; col.3, lines 48-

60).

Sloane fails to expressly teach calculating expenses and charging

the healthcare institution, per se, since it appears that Sloane is

more directed to bill the patient (Sloane; col.4, lines 52-58).

However, this feature is well known in the art, as evidenced by

Phillips.

In particular, Phillips discloses a data handling and processing

system, wherein the system does collection, calculation and

compilation of all charges on any desired periodic basis (Phillips;

col. 2, lines 3-11).

It would have been obvious to one having ordinary skill in the art at

the time of the invention to have combined delivery of medical

services using electronic data communications disclosed by Sloane

within calculation and compilation of all charges on any desired

periodic basis taught by Phillips with the motivation of the charges

are free of transmission errors and skilled personnel are freed from

time consuming clerical duties (Phillips; col. 2, lines 6-11).

B. As p er claim 7, Sloane discloses a health care method for managing a health

condition, guiding the improvement and grasping the effect (Sloane; abstract),

comprising:

   i.   a step that a health care database server accepts an order for

database management business from a medical institution or a health

service supplier and registers the individual data of a customer of the

medical institution or the health service supplier (Sloane; col.3, lines 56-

60);

   ii.   a step for sending the vital information of the customer from a home

health care terminal to the health care database server via the Internet

(Sloane; col.3, lines 56-60 and col. 2, lines 62-65);

   iii.   a step for registering the sent vital information in a vital information

database of the health care database server (Sloane; col.3, lines 50-51);

iv.   a step that a health care data reference viewer of the medical

institution or the health service supplier refers to the vital information

database via the Internet (Sloane; col.3, lines 50-51 and col.2, line 65 to

col.3, line 14);

v.   a step for sending a comment related to the vital information of the

customer from the health care data reference viewer to the health care

database server via the Internet (Sloane; col.3, lines 50-51 and col.2, line

65 to col.3, line 14);

vi.   a step for registering the sent comment in an information provision

database of the health care database server (Sloane; col.7, lines 20-25);

vii.   a step that the home health care terminal refers to the information

provision database via the Internet (Sloane; col.2, line 65 to col.3, line 14);

and

viii.   a step that the health care database server calculates database

management expenses and charges the medical institution or the health

service supplier the expenses.

The obviousness of modifying the teaching of Sloane to include

calculation and compilation of all charges (as taught by Phillips) is

as addressed above in the rejection of claim 2 and incorporated

herein.

C. As per claim 11, Sloane discloses a server computer system, comprising:

i.   a health care data reference viewer via the Internet used by a medical institution or a health service supplier (Sloane; col.2, line 65 to col. 3, line 14);

ii.   a home health care terminal via the Internet used by a customer of the medical institution or the health service supplier (Sloane; col.2, line 65 to col. 3, line 14); and

iii.   a vital information database and an information provision database mutually connected (Sloane; col.6, lines 52-59), wherein: the server computer system includes:

iv.   means for accepting an order for database management business from the medical institution or the health service supplier and registering the individual data of the customer (Sloane; col. 3, lines 56-60);

v.   means for registering vital information sent from the home health care terminal in the vital information database (Sloane; col. 3, lines 48-60);

vi.   means for registering a comment sent from the health care data reference viewer in the information provision database; (Sloane; col. 7, lines 20-25) and

vii.   means for calculating database management expenses and charging the medical institution or the health service supplier the expenses.

The obviousness of modifying the teaching of Sloane to include calculation and compilation of all charges (as taught by Phillips) is

as addressed above in the rejection of claim 2 and incorporated

herein.

D. As per claim 15, Sloane discloses a machine-readable data storage medium

that records a program for instructing a computer system to execute:

    i.   processing for accepting an order for database management

business from a medical institution or a health service supplier and

registering the individual data of a customer of the medical institution or

the health service supplier (Sloane; col. 6, lines 54-59);

    ii.   processing for registering vital information sent from a home health

care terminal used by the customer via the Internet in a vital information

database (Sloane; col. 2, lines 62-65 and col. 4, line 5-9 and Fig. 1);

    iii.   processing for registering a comment sent from a health care data

reference viewer used by the medical institution or the health service

supplier via the Internet in an information provision database (Sloane; col.

2, line 65 to col. 3, line 14); and

    iv.   processing for calculating database management expenses and

charging the medical institution or the health service supplier the

expenses.

        The obviousness of modifying the teaching of Sloane to include

        calculation and compilation of all charges (as taught by Phillips) is

        as addressed above in the rejection of claim 2 and incorporated

        herein.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used arts teach "Home medical system and medical apparatus for use therewith" 5,339,821, "Method and apparatus for coordinating concurrent updates to a medical information database" 5,546,580, "Medical system for at-home patients" 5,785,650, "Health management process control system" 5,960,403, "Multi-user remote health monitoring system" 6,101,478, "Remote health monitoring and maintenance system" 6,168,563.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

10.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Dilek B. Cobanoglu
Art Unit 3626

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER